

Q&A from the NIH Public Access Policy session on June 27, 2025

Note that none of these answers are legal guidance, and these answers are based on the information that we know as of June 27, 2025.

Public Access Policy FAQ from NIH: [Frequently Asked Questions \(FAQs\) | Grants & Funding](#)

Link to session slides which also include answers to some questions:

 [Complying with the new NIH Public Access Policy_July 2025](#)

Does this mean that articles must be published open access if it is in a journal that has a subscription paywall?

No, the articles do not have to be open access. You just need to make sure that the author agreement or license that you agree to or sign with your publisher lets you deposit that final author accepted manuscript. A publisher might already have that written into their license terms. Or you can use the [author addendum](#) to request that you retain the rights to be able to do that with your author accepted manuscript.

How do you recommend that we navigate the new policy given embargos from journals that say you can't publicly release papers for X months?

It's still possible that we may see journals updating their embargo policies starting July 1 and after. So current policies might not be set in stone as we move into this new environment. That being said, if you're working with a journal that seems to be maintaining an embargo, what we would recommend at this point is contacting your publisher, use an [author addendum](#), talk with your editor to clarify that the NIH asserts the right for your author approved manuscript to be posted to PubMed Central without embargo.

Is it okay for us to submit an author accepted manuscript to NIHMS without embargo? Even if the journal still has a 12 month embargo policy, will NIHMS still publish the manuscript to PubMed Central? Will we or the university get sued by the journal if we do that, or does NIH policy essentially supersede everything, meaning journals don't have a say in the matter?

Aim to get permissions to deposit your article if you can. Even if journals don't pursue legal action against individual authors, there may be other potential consequences to posting a manuscript: you could be assessed a fee after the fact, have your paper taken down, or something else. So really try, if you can, to confirm with your publisher in advance that you plan to deposit your article into PubMed Central. NIH notes that you can put [language in your manuscript that asserts your right to deposit into PubMed Central](#): "This manuscript is the result of funding in whole or in part by the National Institutes of Health (NIH). It is subject to the NIH Public Access Policy. Through acceptance of this federal funding, NIH has been given a right to make this manuscript publicly available in PubMed Central upon the Official Date of Publication, as defined by NIH."

What is "time of publication"? Usually we have accepted manuscripts and a few days later it is published. Which date should we use? When we get the acceptance letter for the journal, should we go into PubMed Central right away?

If you're using the manual NIHMS submission process (where the publisher is not going to do it for you), you should start the submission process right when your paper is accepted. That being said, sometimes authors are not going to know what their publication date is in advance. The NIHMS system will likely allow you to specify a publication date. We're going to have to see what this looks like on July 1st. For the articles that are being submitted by the publisher, they're going to use metadata from PubMed to make sure that the manuscripts in PMC aren't posted before the official publication date. The new policy has clarified that the official publication date is the earliest available date.

How much time (days or weeks?) do we have to start the submission process once we receive the acceptance email from the journal to basically get that process started?

As soon as possible. We know that the NIHMS submission and approval process can take several weeks just to get through that six step process and have everyone involved approve the manuscript. You'll want to start as soon as you have that acceptance.

If our last version before acceptance was one that was filled with comments and red lines and then we get the accepted email, should we just accept all changes and remove the comments and use that version? Sometimes it is very gray around the accepted version and what it is before they do their copyediting.

Yes. Clean up the existing document and use a clean version of your copy rather than depositing anything that the publisher has provided.

Does submitting the author accepted manuscript to PubMed Central violate the copyrights of a journal?

The NIH would argue no. The NIH would argue that you have the latest draft, but it has not yet gone through the final proofing process of any publisher, so you and the NIH have the right to post that manuscript to PubMed Central. If you were to post the final published article (the publisher's version), that could violate the copyright of a journal. But the NIH would argue that as long as you don't deposit or post the final published version, but you're depositing your final manuscript, that, per the NIH, does not violate publisher copyright.

What if the journal doesn't know the publication date at acceptance?

If you are posting your author accepted manuscript manually in the NIHMS system, you would probably have to leave that date field blank and just move through the NIHMS process and see what feedback you get from NIHMS. If you're publishing with a journal that's going to send the article to PMC for you, then the publisher's systems and the PMC systems will coordinate to post the PMC copy on the same day as the published copy.

What if we try to get the journal to accept the author's addendum, but their editors insist on the 12 month embargo, what options are left to us? Will there be guidelines for which journals are allowing immediate access?

As mentioned earlier, the NIH is going to probably say that they have a former claim on the output of the work that they funded. But try to figure this all out before you submit an article. This is a situation where we're in a weird spot right now with the fact that the policy is going into effect in a few days and there are going to be people that have an article already in process. But for all future articles, definitely make sure that there's a full understanding on both sides of what needs to happen with your author accepted manuscript or the final published article before/during the submission process.

Could we write up something [about our intentions to deposit the author accepted manuscript in PubMed Central] in the cover letter for a paper that's being sent in?

That could be a great place to start the conversation and make sure that the journal editor is aware that you will be putting your article into the PubMed Central. NIH notes that you can put [language in your manuscript that asserts your right to deposit into PubMed Central](#): "This manuscript is the result of funding in whole or in part by the National Institutes of Health (NIH). It is subject to the NIH Public Access Policy. Through acceptance of this federal funding, NIH has been given a right to make this manuscript publicly available in PubMed Central upon the Official Date of Publication, as defined by NIH."

Does the new policy affect the three month time frame for obtaining the PMCID? Also, when exactly does the three month countdown begin now?

In the past, some NIH documentation has referred to needing to have your manuscript compliant within three months of publication. In the new policy language, there's no reference to a three month window. So it's a good question, it's just not really addressed in the new policy. Try to have your manuscript in compliance as soon as possible.

Is the process the same when there are multiple grants and grantees co authoring a manuscript?

Yes. Just one person needs to submit it, but then it'll list all of the people as authors and there is a place to provide multiple grant information, if there are multiple grants.

Can we publish a director's cut with more data, tables and figures than the journal would allow? For example, it's something that looks like maybe they've done a bioRxiv or medRxiv and then send that version to NIHMS. It's not exactly the same manuscript.

Probably not because it doesn't match the journal's version. We suggest matching the journal's version as closely as possible. And then publish any additional information maybe somewhere like on bioRxiv or medRxiv and link up with that official published version and the PubMed Central version. You want to make sure that you're in compliance and the NIH wants the final peer-reviewed author accepted manuscript. Additionally, there is a process in place where if

there have been changes made to the version of record - if a published paper is later retracted or if there's an important change made to a published paper - the NIH has formal processes in place to update and notate the versions of the paper that are in PubMed Central to keep them current with the version of record. So you really do want them to be the same because the NIH is going to be sort of counting on them to be the same.

What if the journal doesn't make any changes to the author accepted manuscript and the author accepted manuscript and the final published article are the same?

That is very unlikely since a journal will almost always add some extra formatting, additional information on that final PDF that would not be present on the official author accepted manuscript. Even if no wording or content has really changed, you definitely want to avoid uploading the publisher's PDF with any kind of formatting or and just stick with your files that you used to write the manuscript.

How does the ORCID process play into all of this?

ORCID doesn't have anything to do with this. When you submit an article to be published, often a journal will ask you for your ORCID and you should definitely supply that if you can. But ORCID is not connected to complying to this policy in any way.

This is from the university's guidance. Can you help me parse the text below? Is the open access fee covered in whole or at 10%? The text says, "The University Library has negotiated a new agreement with Elsevier which entitles corresponding U of M authors from all three campuses to a full waiver on the open access fee for articles published in Elsevier core hybrid journals (Cell Press and Lancet tiles are excluded from this agreement). This agreement also entitles corresponding U of M authors of articles published in fully open access journals to a 10% discount on the open access fee."

There's a full waiver on Elsevier journals that are tagged as [core hybrid](#). Elsevier journals that are [fully open access](#) have a 10% discount. Fully open access journals are different from the core hybrid journals.

[Note: The Library is working on creating a journal list of what's covered from all publishers, so you won't have to know which publisher the journal is from. We're aiming to get this done as soon as possible, but it's a lot of work. As soon as it's done, this list will be shared widely.]

Is article compliance the responsibility of the corresponding author or the PI on the grant if they are different?

It's the PI's responsibility to make sure that any articles published from their grants are put into PubMed Central. That being said, any author, corresponding author or otherwise, can take care of the whole process themselves. If the paper hasn't been dealt with and it becomes non-compliant, then it will become the PI's responsibility. It could be helpful to talk about this process within your team or your lab - what are your workflows for this? When a paper is

accepted, you need to have an understanding of who's going to be responsible for initiating that process if it's not going to be the PI.

For papers and journals that don't follow option two but are open access, is option one handled any differently?

No. If a journal isn't depositing your final published paper for you, you have to deposit your author accepted manuscript via whatever your usual workflow is - whether it's you or a delegate like someone else in your team.

Do you think other society journals are going to follow suit to the American Chemical Society's article development charge or ADC model?

We can't really answer that for sure, but we think other societies will likely understand the new policy and work with it. So we're going to have to wait and see how different society journals are going to respond and how things might change.

How will this work for refereed conference papers?

If it's a conference paper that's peer reviewed and it's published in a journal or conference proceedings, it will be handled the same way. If it's not published or not peer reviewed, it would not be subject to the policy.

Any guidance yet for other federally funded grants that have followed the NIH policy, for example, the VA, AHRQ, etc.?

We know that all federally all federal funding agencies will have some version of this kind of policy by the end of the year. Most of them have already released drafts of their policy, if not the full policy language, even though it may not be in effect yet. You can search online for the federal funders that you're interested in tracking and see if they've already posted new policies. It should be called something like a public access policy.

If there was a paper that's published recently in the last few months that's still under the embargo, do we need to negotiate and submit using option one?

No. If it's already published, the new policy does not apply. The new policy only affects papers that are being accepted July 1st and after.